

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEVEN ZWEIG,

Plaintiff,

- against -

SAMIR KAMAT, et al.,

Defendants.

**REPORT AND
RECOMMENDATION**

11 Civ. 5238 (LTS) (RLE)

To the HONORABLE LAURA TAYLOR SWAIN, U.S.D.J.:

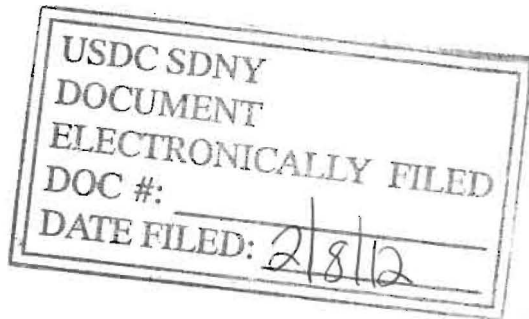
This is a *pro se* action for employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e17, the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-34, as well as New York State and New York City anti-discrimination laws. Plaintiff alleges that he was discriminated against by Defendants on the basis of his religion and age. Plaintiff's Complaint was received by the *Pro Se* Office on July 28, 2011, and the matter was referred to the undersigned for general pretrial purposes on August 3, 2011.

On January 10, 2012, after determining that Defendants had not been served with a copy of the Summons and Complaint, the Court ordered Plaintiff to do so by January 27, 2012, or Show Cause why the Complaint should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. As of today, Plaintiff has failed to serve Defendants, and has not contacted the Court or otherwise shown good cause why service has not been effectuated. Accordingly, I recommend that the above-entitled action be dismissed without prejudice for failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

Pursuant to Rule 72, Federal Rules of Civil Procedure, the parties shall have fourteen (14) days after being served with a copy of the recommended disposition to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of

the Court and served on all adversaries, with extra copies delivered to the chambers of the Honorable Laura Taylor Swain, 500 Pearl Street, Room 755, and to the chambers of the undersigned, Room 1970. Failure to file timely objections shall constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985); *Small v. Sec'y of Health and Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*); 28 U.S.C. § 636(b)(1) (West Supp. 1995); Fed. R. Civ. P. 72, 6(a), 6(d).

DATED: February 7, 2012
New York, New York



Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge

Copies of this Report and Recommendation were sent to:

PLAINTIFF
Steven Zweig
309 West 75th Street
APT #9
New York, NY 10023